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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
WILLIAM A. BROWN,  
  
Defendant.

No. CR 09-00891 JW

REQUEST FOR CONTINUANCE AND  
[PROPOSED] ORDER EXCLUDING  
TIME FROM DECEMBER 14 THROUGH  
21, 2009

This matter is set for status on Monday, December 14, 2009. Government counsel, AUSA Hartley West, is in trial before Chief Judge Vaughn R. Walker (*United States v. Tran*, CR 09-0667). Although the government previously expected trial to be concluded by Friday December 11, due to hospitalization of defendant Tran's daughter, the parties do not now expect trial to conclude until Monday, December 14. Accordingly, government counsel seeks to continue the status one week, to Monday, December 21, 2009, and to exclude time for continuity of government counsel. Defense counsel, Lara Vinnard, has agreed to this request.

**[PROPOSED] ORDER CONTINUING STATUS AND EXCLUDING TIME**

Due to unavailability of government counsel, the Court orders that the status appearance in the above-captioned matter currently set for December 14, 2009 be continued to December 21,

2009. Based upon the representations of government counsel as to her unavailability, the Court finds good cause to conclude that failure to exclude the time between December 14 and December 21, 2009, would unreasonably deny the government continuity of counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The Court finds that the ends of justice served by excluding the time between December 14 and December 21, 2009, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between December 14 and December 21, 2009, shall be excluded from computation under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

APPROVED AS TO FORM.

DATED: December 10, 2009

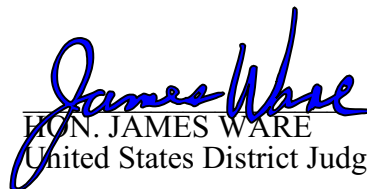
/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

DATED: December 10, 2009

/s/  
HARTLEY M. K. WEST  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: December 10, 2009

  
HON. JAMES WARE  
United States District Judge